

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASUS COMPUTER
INTERNATIONAL, et al.,

Plaintiffs,

v.

INTERDIGITAL, INC., et al.,

Defendants.

Case No. 15-cv-01716-BLF (NC)

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
MOTION FOR LEAVE TO
SUPPLEMENT FACT AND EXPERT
DISCOVERY**

Re: ECF 220, 237

ASUS moves to supplement fact and expert discovery after InterDigital served an expert report that relied on previously unproduced material.¹ Specifically, ASUS seeks “an order directing InterDigital to produce expedited discovery on its previously produced and unproduced [materials], including depositions of Mr. Grewe, Ms. McElvaine, Mr. Merritt, and a Rule 30(b)(6) witness, and further seeks leave to serve an economic expert report and a technical expert report responding to the challenged opinions.” ECF 220 at 1.

The Court GRANTS ASUS’s request to supplement expert discovery by serving economic and technical expert reports responding to InterDigital’s expert. InterDigital may not seek further discovery (e.g. additional depositions) on ASUS’s supplemental reports.

The Court DENIES ASUS’s request to compel further fact discovery, for lack of

¹ The Court is deliberately vague in describing the materials, in an effort to respect the parties’ claims of confidentiality.

1 good cause. The parties reached an earlier agreement establishing which of the disputed
2 materials InterDigital would produce, and the Court is disinclined to intrude upon that
3 agreement. And to the extent ASUS has been prejudiced by InterDigital untimely
4 producing factual documents in conjunction with its expert report, the prejudice to ASUS
5 is sufficiently ameliorated by being permitted ASUS to supplement its own expert reports
6 in response.

7 In sum, the Court GRANTS IN PART and DENIES IN PART ASUS's motion.
8 ASUS may serve supplemental expert reports, but no other enlargement of discovery is
9 permitted at this time.

10 **IT IS SO ORDERED.**

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12 Dated: August 23, 2018

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15 NATHANAEL M. COUSINS
16 United States Magistrate Judge
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